

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,)
Plaintiff,)
vs.)
JEFFERY SCOTT KYDNEY,)
Defendant.)

8:13CR234

ORDER

This matter is before the court on the motion for an extension of time by defendant Jeffery Scott Kydney (Kydney) (Filing No. 28). Kydney seeks an additional thirty days in which to file pretrial motions in accordance with the progression order. Kydney has filed an affidavit wherein he consents to the motion and acknowledges he understands the additional time may be excludable time for the purposes of the Speedy Trial Act (Filing No. 29). Kydney's counsel represents that government's counsel has no objection to the motion. Upon consideration, the motion will be granted.

IT IS ORDERED:

Defendant Kydney's motion for an extension of time (Filing No. 28) is granted. Kydney is given until **on or before November 18, 2013**, in which to file pretrial motions pursuant to the progression order. The ends of justice have been served by granting such motions and outweigh the interests of the public and the defendant in a speedy trial. The additional **time** arising as a result of the granting of the motion, i.e., **the time between October 17, 2013, and November 18, 2013**, shall be deemed **excludable** time in any computation of time under the requirement of the Speedy Trial Act for the reason defendant's counsel requires additional time to adequately prepare the case, taking into consideration due diligence of counsel, and the novelty and complexity of this case. The failure to grant additional time might result in a miscarriage of justice. 18 U.S.C. § 3161(h)(7)(A) & (B).

DATED this 17th day of October, 2013.

BY THE COURT:

s/ Thomas D. Thalken
United States Magistrate Judge